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ORIGINALLY FILED

Docket No. YBE1-BQ62

DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **METHOD AND APPARATUS FOR TISSUE TREATMENT AND MODIFICATION**, the specification of which

(check one)

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is attached hereto
was filed on June 8, 2001
as Application Serial No. 09/878,002
and was amended on (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

Application Serial No.

Filing Date

60/210,531

June 8, 2000

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:
Joseph W. Price, Reg. No. 25,124; Albin H. Gess, Reg. No. 25,726; Michael J. Moffatt, Reg. No. 39,304; Gordon E. Gray III, Reg. No. 42,602, and Bradley D. Blanche, Reg. No. 38,387 all of the firm Price and Gess, 2100 S.E. Main Street, Suite 250, Irvine, California 92614-6238.

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003800-40301

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Post Office Address 68 Southbrook
Irvine, California 92604

YBE1-BQ62



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Joseph Neev, et al.

Serial No.: 09/878,002

Filed: June 8, 2001

For: METHOD AND APPARATUS FOR
TISSUE TREATMENT AND
MODIFICATION

Patent Examiner:

Art Unit: 2881

January 2, 2002

Irvine, California 92614

**DECLARATION OF JOSEPH NEEV IN SUPPORT OF PATENT APPLICATION
WHERE CO-INVENTOR CANNOT BE LOCATED**

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

I, Joseph Neev, Ph.D., of 20321 Lake Forest Drive, Suite D6, Lake Forest, California 92630, hereby declare as follows:

1. I am the President of Y-Beam Technologies, Inc., a California corporation.
2. Oleg Konoplev was an employee of Y-Beam Technologies, Inc. during the time that he and I made the invention of the subject application.
3. The application was filed on June 8, 2001 without signatures of the inventors, myself and Oleg Konoplev, due to the press of business.

Kindly, please sign the attached DECLARATION AND Power of Attorney statement attached below and return to us as soon as possible.

Sincerely,

Joseph Neev, President
Y-Beam Technologies, Inc.

[illegible]

References Cited

U.S. Patent Documents

1. US Patent # 5,394,413. Zayhowski, J. J. (1995). Passively Q-switched Picosecond Microlaser. .
2. US Patent #5,495,494. Molva, E., Aubert, J. J., Marty, J., & J.M., N. (1994). Self-aligned, monolithic, solid microlaser with passive switching by a saturable absorber and a production process therefor.
3. US Patent # 5844932. Thony, P., & Rabarot, M. (1998). Microlaser cavity and externally controlled, passive switching, solid pulsed microlaser.

Other Publications

1. Zayhowski, J.J., Dill III, C., Cook, C. & Daneu, J.L. *Mid and High Power Passively Q-Switched Microchip Lasers*. 1-268-70 (Optical Society of America, Washington DC, 1999).
2. Spuhler, G.J., *et al.* *Design guidelines for passively Q-switched microchip lasers using semiconductor saturable absorber mirrors* 1-274-6 (Optical Society of America, Washington DC, 1999).
3. Giesen, A., *et al.* Scalable concept for diode-pumped high-power solid-state lasers *Applied Physics B* 365-72 (1994).
4. Karszewski, M., *et al.* *100 W TEM00 Operation of Yb:YAG Thin Disc Laser with High Efficiency* 1-296-9 (1998).
5. DeLoach, L.D., *et al.* Evaluation of absorption and emission properties of Yb/sup 3+/ doped crystals for laser applications *IEEE Journal of Quantum Electronics* 29, 1179-91 (1993).

6. Bibeau, C., *et al. Performance and scalability of diode-end-pumped Yb:YAG laser* 1-328 (IEEE Lasers and Electro-Optics Society, San Francisco, CA, USA. 10-13 Nov. 1997., 1997).
7. Spuhler, G.J., *et al. Passively Q-switched Yb:YAG microchip laser using a semiconductor saturable absorber mirror* 1-271-2 (Optical Society of America, Washington DC, 1999).
8. Zayhowski, J.J. & Kelley, P.L. Optimization of Q-switched lasers *IEEE Journal of Quantum Electronics* **27**, 2220-5 (1991).